

REMARKS

Claims 1, 3, 4 and 12-17 are pending in this application. By this Amendment, claims 1 and 17 are amended solely for clarity. Reconsideration in light of the amendments and the following remarks is respectfully requested.

Applicant appreciates the courtesy shown to Applicant's representative by Examiner Hicks in the March 4, 2010, personal interview. Applicant's separate record of the substance of the interview is incorporated into the following remarks.

The Office Action objects to claim 11 alleging that it is inconsistent with claim 3. Applicants' February 18 Amendment canceled claim 11. Therefore, this objection is moot. Withdrawal of the objection is respectfully requested.

The Office Action rejects claims 1, 3, 4 and 11-17 under 35 U.S.C. §112, second paragraph. In particular, it is alleged that the claims are indefinite because it cannot be assessed what is encompassed by the recited same "type" of material. In this regard, the Examiner alleges that all of PP, PE, PET, HDPE, LDPE, PVC, EVOH, etc. could be considered in a same category of plastics but have different properties. Applicant respectfully disagrees.

During the personal interview, Examiner Hicks requested further clarification of the claims, and removal of the "type" language. Claim 1 is amended consistent with discussions during the interview to remove the "type" language and now recites that the label is of same material as the container body.

As also discussed during the personal interview, the claims clarify the relationship of the body and label materials to specify that the materials are the same "for purposes of waste disposal classification." This is described, for example, in Applicant's paragraphs [0005], [0006], [0011] and [0015] and allows both the body and label to be retained without separation for waste disposal (recycling).

Claims 1, 3, 4, and 11-17 are concise and definite. Reconsideration and withdrawal of the rejection is respectfully requested.

The Office Action rejects claims 1, 3, 4, and 11-17 under 35 U.S.C. §103(a) over Japanese Patent Publication No. JP2003-335343 to Takuji in view of U.S. Patent No. 5,227,233 to Itaba. This rejection is respectfully traversed.

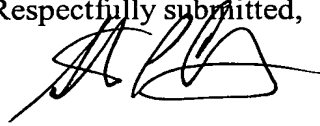
As discussed and agreed upon during the personal interview, the Rule §1.131 Declaration filed with Applicant's February 18 Amendment is sufficient to antedate Takuji by establishing that Applicant invented the subject matter of the present claims earlier than Takuji's November 25, 2003 publication date.

Because the Office Action admits that Itaba alone is deficient in rendering the claimed subject matter obvious, the pending claims distinguish over the applied references. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:SPC/dxc

Attachments:

Petition for Extension of Time
Request for Continued Examination

Date: March 16, 2010

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